

Area-Wide Soil Contamination Project Workgroup I Nature and Extent of Contamination

Meeting 3 (5/30/02) Summary

On May 30, 2002 the area-wide soil contamination project nature and extent workgroup met at the Department of Ecology Northwest Regional Office in Bellevue. This document summarizes key discussion points and action items from the meeting.

Schedule Update

Rescheduling of the Yakima County Confirmation Sampling has been put on hold until after the legislative briefing that will occur on June 4. Ecology and the contractor team are exploring potential work that could be completed in lieu of the Confirmation Sampling to provide a tool or tools for predicting areas impacted by past use of arsenical pesticides. The Background Characterization subtask was identified as a work element that could be moved forward in the schedule if Confirmation Sampling is rescheduled for August/September 2002. Initiation of the Background Characterization subtask will not start until some task budgeting re-allocation issues have been resolved between Ecology and the contractor team.

State-Wide Soil Sampling Guidance

Eric Weber, Landau Associates, presented a detailed summary of the proposed state-wide guidance for soil sampling. The work group was in general agreement on the objectives of the sampling, the stated limitations on the type of area-wide contamination to which the guidance would apply, and the way the guidance would be structured to sample different types of sites (residential, commercial, sites to be developed for residential use, and schools/parks/daycare facilities). The group was also in general agreement with the proposed format of the guidance, and the concept that composite samples should be allowed for some types of data collection, while discrete samples should be required for other types of data needs.

Work group comments on the sampling guidance are summarized as follows:

- How does the sampling guidance fit into the Phase I Environmental Site Assessment process? The group agreed that the guidance should not be designed to address due diligence requirements, but could be used in part to satisfy such requirements.
- Will the guidance document “assure safety” to those who use it (i.e. how many soil samples need to be collected to assure safety?), and if used by school districts to characterize properties, is there some associated liability that is assumed by the school district? The group agreed that appropriate language needed to be added to specifically state that no assurances are implied, and identify how additional soil samples may be collected to facilitate a greater level of comfort on the part of the user. The group agreed that the issue of assumed liability through use of the guidance should be discussed at the Task Force level.
- Ken Nelson from the Washington Association of Realtors wanted to know if individuals selling homes would be required to sample for lead/arsenic in soil and use this guidance. He is very concerned about the burden such sampling may present to homeowners, and concern over disclosure issues related to this sampling. Ken also stated concern about potential liability associated with past sales where such sampling had not been conducted. The group agreed that some level of requirement could be imposed at the county level, but it was not the intent of the work group that sampling be mandatory. However, the group also agreed that once the guidance document becomes available, it may become in effect a

requirement if embraced by lenders. Ken will talk with Steve Kelley about this for discussion at the Task Force. Work group members questioned whether such guidance had been developed and implemented in other states. Based on the information survey conducted, sampling guidance has only been developed for very specific applications (much narrower than the intended focus of this guidance document).

- Jim Vanderslice from Department of Health wanted to make sure that no artificial distinction be made in the sampling guidance between soil sampling for contamination from smelters, leaded gasoline use, and arsenical pesticides or from contribution from lead-based paint or other sources. He wants to make sure that the guidance addresses generalized homeowner concerns about lead and/or arsenic in their soil.
- Erin McKeown mentioned data that suggests that Asarco slag was used as sand blast grit at some facilities; this was verified by Department of Health. The group agreed that trying to identify where such impacted facilities might be located was beyond the scope of this group, but should be mentioned as a potential source of arsenic and lead contamination in soil.
- The work group expressed concern about the guidance document potentially being too complicated for use by the general public. The work group agreed that having separate sections of the document, or even eventually separate documents, for homeowners would be the best way to counter this problem. The suggestion was made that a matrix be developed to direct the user to the appropriate part of the guidance document.
- The work group discussed a variety of caveats that would have to be stated in the guidance document about the limitations on the use of the data.
- Work group members suggested that the first tier of sampling conducted by a party be focused on areas of the site most used; additional sampling be conducted if the party wanted full characterization or was interested in selling the property.
- Work group members suggested that the guidance be written in a way that does not “single out” any particular type of site, but suggests that all potentially impacted sites are being treated in a similar manner.
- Work group members raised concerns about who would be doing the sampling and how the sampling results would be recorded and maintained. Suggestions were made for addressing who conducted the sampling and maintaining records in the guidance document. It was again suggested that a certification process might be appropriate to ensure that soil samples are properly collected. However, work group members were reminded that the guidance was intended to be used by individual homeowners.
- Circumstances where composite samples could be appropriately used were discussed. The work group agreed that language needed to be included in the document describing how to take a composite sample, and the limitations on use of composite sample data.
- The work group discussed the need for other components of the state-wide strategy to support this guidance document, and that the guidance document would need to be re-evaluated once the complete strategy/framework had been identified to ensure that it still meets state needs.

At the conclusion of the discussion, work group members agreed to think about the guidance structure and content as proposed, and provide their comments to Eric Weber. Specifically, work group members were ask to consider the following:

- 1) What constitutes a sufficient number of soil samples for the types of sites to which the guidance will be applicable?
- 2) How and when should composite samples be used?
- 3) Should both surface and subsurface soil samples be collected, and if so, under what circumstances?

A draft sampling guidance document will be submitted to Ecology on or about June 7. Once this draft has been reviewed by Ecology and edited, as appropriate, it will be sent to work group members for review. At this time, a conference call near the end of June is planned to discuss final work group comments before the document is discussed with the Task Force.

Preliminary Estimates Task

Randi Wexler, Landau Associates, presented a summary of the preliminary results of estimating soil lead and arsenic concentrations from past use of arsenical pesticides on apple and pear trees. She walked through the methods used, and the resulting concentration estimates. Estimated concentrations are consistent with estimates made in other studies, and within an order of magnitude of concentrations observed at sites under Ecology cleanup in eastern Washington. Randi summarized for the group other information that was being sought to “ground truth” the estimates and to further refine our identification of potentially impacted areas on the county level. Work group members were asked to identify other sources of information that may help in this refinement.

Julie Wilson, Landau Associates, presented a summary of how lead loading of soil from use of leaded gasoline would be estimated. Work group members were asked to consider the proposed methods, which involved using data from other studies that correlated lead loading with traffic volume data, and provide comment within the next week.

Eric Weber summarized data that was available and being summarized for characterizing impact from smelters.

Action Items

1. On the sampling guidance document, Eric Weber will consider the comments made in the meeting and additional comments received from work group members in developing the draft guidance document that will be sent to Ecology for review on or about June 7.
2. The contractor team will proceed with developing information for the preliminary estimates technical memorandum.

Next Scheduled Work Group I meeting

- Work group members were asked to look at their calendars for the last week of June. At that time, we anticipate a conference call will be scheduled to discuss the draft sampling guidance document. The work group decided to wait to schedule the next meeting until the status of the Yakima County confirmation sampling and background tasks were determined.

Attendance

Rachel Caron, Department of Ecology
Dawn Hooper, Department of Ecology
Dave Bradley, Department of Ecology
Eric Weber, Landau Associates
Glenn Rollins, Tacoma-Pierce County Health Department
Julie Wilson, Landau Associates
Kenny Nelson, DK Bain Real Estate
Michelle Miller, Kitsap County Public Works – Solid Waste
Jim VanDerslice, Department of Health
Jim W. White, Department of Health
Randi Wexler, Landau Associates
Bob Arrington, Department of Agriculture
Chuck Lie, Terra Consultants
Tom Martin, Asarco
Erin McKeown, University of Washington

Workgroup Members Unable to Attend

Ann Wick, Department of Agriculture
Guy Gregory, Department of Ecology
Rick Roeder, Department of Ecology
Art Losey, Washington State Pest Control Association
Andy Jensen, Washington Potato Commission
Mike Vachon, Yakima County Geographic Information Services
Linda Johnson, Washington Farm Bureau

Other Interested Parties Unable to Attend

Ray Paoletta, City of Yakima
Laura Morachek, Cascade Analytical